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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/682,535 | 09/17/2001 | Matthew Sommers | GLO 2 0080 | 5614 |

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EXAMINER

SEMBER, THOMAS M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2875

DATE MAILED: 02/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,535

Applicant(s)

Sommers

Examiner

Thomas Sember

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 25, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7, and 9-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, and 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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Specification

Claim 15 is objected to because of the following informalities:

- 1.) In claim 15, line 4 "first set of LED" should be --first set of LEDs--.

Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 112

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- 1.) In claim 17, "the different angular" lacks a positive antecedent basis.

Claim Rejections - 35 U.S.C. § 102/103

1. Claims rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ryan, Jr. et al.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

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(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-2, 4-7, 9 and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryan, Jr. et al. Ryan Jr. et al discloses a substrate including a first LED 12a having a first lens 18. The substrate further includes a second LED 12b having a second lens 18 with a second optical prescription. Ryan, Jr. et al teaches that each lens may be tinted and may include colored schemes (spectral composition), patterns and other combinations.” Ryan, Jr. further teaches that each LED can be independently operated.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-2, 4-7, 9 and 11-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan, Jr. et al. Ryan, Jr. et al discloses the claimed invention except for the specific details of how the light sources are independently energized with respect to their lenses to create different color schemes and patterns. It would have been obvious to one skilled in the art at the time the invention was to create various different color schemes and patterns in use the display in various applications such as displays and message boards as taught by Ryan, Jr. et al in col 8, lines 1-10

Claim Rejections - 35 U.S.C. § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3, 5-7 and 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Dick et al. Dick et al discloses a substrate including a first light source 12 having a first lens. The substrate further includes a second light source 12 having a second lens with a second optical prescription. Each lens has a different refractive property than an adjacent lens. Inherently, the light sources of a traffic light would

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include light sources which are independently operated to alert a driver to stop, go or to use caution.

Claim Rejections - 35 U.S.C. § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3, 5-7 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulka. Kulka discloses the claimed invention except for the teaching that the light sources are LEDs or a set of LEDs. Kulka discloses a substrate including a first light source 12 having a first lens. The substrate further includes a second light source 14 having a second lens with a second optical prescription. Each lens has a different prescription such as different colored lens or different refractive lens. Inherently, the light sources of a traffic light would include light sources which are independently operated to alert a driver to stop, go or use caution. It would have been obvious to one skilled in the art at the time the invention was made to substitute LEDs or a set of LEDs for the light sources of Kulka in order to provide a

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traffic light that is longer lasting, consumes less power, and is more efficient than other conventional low voltage light sources.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 3-7 and 9-17 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to Ryan, Jr. et al have been fully considered but they are not persuasive. Applicant argues that Ryan, Jr. et al fails to disclose a plurality of LEDs which are independently controlled having lenses with different optical prescriptions. This is not found persuasive, Ryan et al teaches at column 8, lines 1-10 that the LEDs can be individually controlled by control 56 for creating different light patterns,..... color schemes etc.” and in column 6, lines 12-47, Ryan, Jr. et al teaches that the lenses 18 can be colored or tinted. Therefore, Ryan, Jr. et al still teaches some of the claims

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alston, Marshall et al, Madsen, Bertling et al, Erickson et al, Rosengren and You et al disclose lighting assemblies similar to applicant's invention.

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Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is (703) 308-1938. The examiner can normally be reached on Monday - Thursday from 8:00 AM - 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached at (703)-305-4939. The fax phone number for this group are (703) 872-9318 for regular communications and (703)-872-9319 for after-final communications.

Any inquiries of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-0956.



Thomas M. Sember
Primary Examiner
January 30, 2003